

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU

Chapter 7
Case No. 11-45451
Hon. Walter Shapero

Debtor.

**TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

NOW COMES Chapter 7 Trustee, Timothy J. Miller, by and through its attorneys, OSIPOV BIGELMAN, P.C., and states as follows:

Jurisdictional Basis

1. This is a contested matter brought pursuant to 11 USC 542 and B.R. 9014.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), over which this Court has jurisdiction pursuant to 28 U.S.C. § 157(b)(1) and 28 U.S.C. § 1334.

Factual Basis

3. The Debtors filed a Chapter 7 Bankruptcy Petition on March 1, 2011.
4. In the Debtors Bankruptcy Schedule B, they stated that they had no bank accounts.
5. On June 1, 2011, the Trustee made a demand upon the Debtors for documents, including bank statements. See attached Exhibit B.
6. On July 14, 2011, the Debtors finally produced documents, evidencing that in fact they had a bank account on the petition date, and that there was \$2,385.56 in the account on the petition date. See attached Exhibit C.
7. The Debtors concealed the existence of the account and the funds in the account which constitute property of the estate.
8. The Estate is entitled to the turnover of these funds pursuant to Section 542.

9. On September 21, 2011, the Trustee sought concurrence for the relief requested herein pursuant to LBR 9014-1(g), however, concurrence was refused.

WHEREFORE, the Trustee requests that the Court grant the relief contained in the proposed order, **Exhibit A**.

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman
JEFFREY H. BIGELMAN (P61755)
Attorneys for Trustee
20700 Civic Center Drive, Suite 310
Southfield, MI 48076
Tel: (248) 663-1800 / Fax: (248) 663-1801
E-mail: jhb_ecf@osbig.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU

Chapter 7
Case No. 11-45451
Hon. Walter Shapero

Debtor.

**ORDER GRANTING
TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

THIS MATTER having come before the Court pursuant to Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents, the Motion having been served pursuant to applicable bankruptcy rules, and no response having been timely filed, and the Court being duly advised in the premises:

IT IS HEREBY ORDERED that Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents is granted.

IT IS FURTHER ORDERED that the Debtors shall turnover, within 10 days of the entry of this Order, to the Trustee \$2,385.56, which represents the Estate's interest in the undisclosed and non-exempt funds in their Huntington Bank account on the petition date.

IT IS FURTHER ORDERED if the Debtors fail to comply with this Order, that this Order shall constitute a judgment and the Trustee may take collection action against her under Fed. R. Civ. P. 69(a) to enforce the liability under this order for the balance owed plus reasonable attorney's fees incurred in collecting this liability.

EXHIBIT A

20700 CIVIC CENTER DRIVE
SUITE 310
SOUTHFIELD, MICHIGAN 48076

WWW.OSBIG.COM



TELEPHONE
248 663.1800

FACSIMILE
248 663.1801

June 1, 2011

Kurt R. Haskell, Esq.
14716 Allen Road, Suite 102
Taylor, MI 48180
haskell@comcast.net

**Re: Aaron Schossau and Sandra Schossau
Chapter 7 Bankruptcy – Case No. 11-45451-wsd**

Dear Kurt:

As you know, my office represents the Chapter 7 Trustee, Timothy J. Miller, in connection with the above-referenced bankruptcy estate. Pursuant to Sections 521(a)(3) & 521(a)(4) of the Bankruptcy Code, the Trustee requests turnover of the following documents within the next ten (10) days:

1. A copy of all of the Debtors' bank statements and check registers (if not produced already) for the period January 1, 2009 through the petition date. Accounts include those in the Debtors' names, held jointly, in addition to all Stone Gate Building, LLC accounts;
2. An asset list of Stone Gate Building, LLC as of the petition date, in addition to a current list;
3. A copy of the Debtors' 2010 income tax returns;
4. The addresses for all persons or entities who received a payment from the Debtors and/or Stone Gate Building, LLC, and all documentation evidencing the basis for the payments;
5. Documentation evidencing all loans that the Debtors and/or Stone Gate Building, LLC received and made repayments upon in the year preceding the petition date, including, but not limited to the two loans made by Monroe Bank & Trust, the loan made by Willshire Credit, evidence that these loans were made, and the date, amount, and method of all repayments on each loan, and a copy of the application on each loan;
6. A copy of all of the Debtors' and Stone Gate Building, LLC's checking, savings account, and all other investment account statements, which would show the balance on all accounts on the petition date;
8. Documentation evidencing all vehicles purchased/sold/owned/used by the Debtors and/or Stone Gate Building, LLC in 2010;

EXHIBIT B

9. The most recent statements from all creditors listed in Schedule F; and,
10. The applications and/or other evidence of indebtedness, including information concerning any potential co-debtors, from/supplied to all creditors listed in Schedule F.

Your anticipated cooperation is appreciated.

Sincerely,

OSIPOV BIGELMAN, P.C.



Jeffrey H. Bigelman, Esq.

THE HUNTINGTON NATIONAL BANK
PO BOX 1558 EA1W37
COLUMBUS OH 43216-1558



SANDRA L SCHLOSSAU
AARON J SCHLOSSAU
2300 CARLETON WEST RD
CARLETON MI 48117-9236

Have a Question or Concern?

Stop by your nearest Customer Huntington office or Information contact us at: Privacy Not

1-800-480-BANK (2265)

www.huntington.com

Huntington At Work Account

Account: 02387371942

Statement Activity From:
02/17/11 to 03/18/11

Beginning Balance	\$237.53
Credits (+)	5,161.00
Debits (-)	5,048.46
Interest Paid (+)	0.06
Total Fees (-)	0.00
Ending Balance	\$350.13
Average Balance	1,477.12
Low Balance	237.53

Annual Percentage Yield Earned this statement period 0.05%

Your savings account 04381695693 is tied for overdraft protection to account 02387371942.

Important Tax Season Reminder

It's never too early to open or contribute to your Huntington Individual Retirement Account and get closer to the retirement you want. To make your contribution for 2010 or for information on how we can help you reach your retirement goals, stop by your closest Huntington branch or call 1-800-332-4600.

Deposit / Credit Activity (+)

Account: 02387371942

Date	Description	Amount
02/22	DEPOSIT	3,500.00
03/07	DEPOSIT	1,661.00
03/18	INTEREST PAYMENT	0.06

Check Activity (-)

Account: 02387371942

Check #	Amount	Date Paid	Check #	Amount	Date Paid
13509273S	1,700.00	03/11			

Investments are offered through the Huntington Investment Company, Registered Investment Advisor, member FINRA/SIPC, a wholly-owned subsidiary of Huntington Bancshares Inc.

The Huntington National Bank is Member FDIC.
Incorporated. Patent pending for the 24-Hour Grace™

EXHIBIT C

stered service marks of Huntington Bancshares
ngton Bancshares Incorporated.



(S) Indicates this check was converted to a Substitute Check.

(*) Indicates the prior sequentially numbered check(s) may have 1) been voided by you 2) not yet been presented 3) appeared on a previous statement.

ATM Withdrawal Activity (-)

Account: 02387371942

Date	Description	Amount
02/28	NON-HUNTINGTON CASH WITHDRAWAL *FRENCHTOWN MONROE MI 4432205383063828	203.00
03/02	HUNTINGTON ATM CASH WITHDRAWAL 10003 FREMONT PIKE PERRYSBURG OH 4432205383063810	260.00

Check Card / POS Activity (-)

Account: 02387371942

Date	Description	Amount
02/22	CHECK CARD U-HAUL-LOVING-AUTO-C #344 FLAT ROCK MI 4432205383063810	134.62
02/22	CHECK CARD MEIJER INC #117 Q01 TOLEDO OH 4432205383063810	92.47
02/22	CHECK CARD THE HOME DEPOT 3807 NORTH TOLEDO OH 4432205383063828	50.00
02/22	CHECK CARD DOLRTREE 243 00002436 TOLEDO OH 4432205383063810	33.09
02/22	CHECK CARD REDBOX *DVD RENTAL 866-733-2693IL 4432205383063810	14.84
02/24	CHECK CARD KROGER #940 SYLVANIA OH 4432205383063810	22.28
02/24	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	2.14
02/25	CHECK CARD KROGER #940 SYLVANIA OH 4432205383063810	39.00
02/25	CHECK CARD DOLRTREE 243 00002436 TOLEDO OH 4432205383063810	14.88
02/28	CHECK CARD THE HOME DEPOT 3807 NORTH TOLEDO OH 4432205383063828	114.40
02/28	CHECK CARD SPEEDWAY 08610 TOL TOLEDO OH 4432205383063828	58.02
02/28	CHECK CARD K & H OIL & LUBE, INC TAYLOR MI 4432205383063810	54.49
02/28	CHECK CARD ON THE BORD18910001899 ALLEN PARK MI 4432205383063810	35.04
02/28	CHECK CARD WM SUPERCENTER TAYLOR MI 4432205383063810	28.98
02/28	CHECK CARD RAVE CINEMAS - 43606 TOLEDO OH 4432205383063810	28.25
02/28	CHECK CARD GET & GO TAYLOR MI 4432205383063810	14.65
02/28	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	3.18
03/01	CHECK CARD AT&T FC73 6926 TOLEDO OH 4432205383063828	271.12
03/01	CHECK CARD SAMS CLUB HOLLAND OH 4432205383063810	133.25
03/01	CHECK CARD REDBOX *DVD RENTAL 866-733-2693IL 4432205383063810	4.27
03/02	CHECK CARD KROGER FUEL #6864 LAMBERTVILLE MI 4432205383063828	58.57
03/02	CHECK CARD TOM'S OYSTER BAR DT DETROIT MI 4432205383063828	47.14
03/03	CHECK CARD CARRABBA'S #8607 MAUMEE OH 4432205383063828	147.33
03/03	CHECK CARD SHERWIN WILLIAMS #1065 TOLEDO OH 4432205383063828	64.24
03/04	CHECK CARD GLOBALFITNESS-GYM 128-1 TOLEDO OH 4432205383063810	959.79
03/04	CHECK CARD GLOBALFITNESS-GYM 128-1 TOLEDO OH 4432205383063810	106.75
03/04	CHECK CARD BIG BOY 3 PERRYSBURG OH 4432205383063810	22.33
03/04	CHECK CARD MEIJER INC #117 Q01 TOLEDO OH 4432205383063810	9.81
03/07	PIN-BASED POS PURCH KROGER 3462 W.STERNS R KROGER 3462 W.STERNS RD LAMBERTVILLE MI 4432205383063810	60.08

**Check Card / POS Activity (-)****Account: 02387371942**

Date	Description	Amount
03/07	CHECK CARD CRACKER BARREL #222 MONRO MONROE MI 4432205383063810	40.32
03/07	CHECK CARD KROGER #864 LAMBERTVILLE MI 4432205383063810	20.84
03/07	CHECK CARD APPLEBEES 914910630309 TOLEDO OH 4432205383063810	18.06
03/07	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	10.60
03/09	PIN-BASED POS PURCH KROGER 3462 W.STERNS R KROGER 3462 W.STERNS RD LAMBERTVILLE MI 4432205383063810	58.61
03/09	CHECK CARD TARGET 00006247 HOLLAND OH 4432205383063810	32.55
03/14	CHECK CARD VESTA *BOOST MOBILE 888-4409958 OR 4432205383063810	53.00
03/14	PIN-BASED POS PURCH KROGER 6235 MONROE ST. KROGER 6235 MONROE ST. SYLVANIA OH 4432205383063810	13.66
03/14	CHECK CARD REDBOX *DVD RENTAL OAKBRKTERRACE IL 4432205383063810	4.27
03/18	CHECK CARD REDBOX *DVD RENTAL 866-733-2693 IL 4432205383063810	8.54

Huntington At Work Balance Activity**Account: 02387371942**

Date	Balance	Date	Balance	Date	Balance
02/16	237.53	03/01	2,385.56	03/09	2,129.54
02/22	3,412.51	03/02	2,019.85	03/11	429.54
02/24	3,388.09	03/03	1,808.28	03/14	358.61
02/25	3,334.21	03/04	709.60	03/18	350.13
02/28	2,794.20	03/07	2,220.70		

These balances do not reflect pending items that could cause your account to overdraw. Pending items are typically debit card transactions and other transactions that we hold against your account when we receive notice that they have occurred, but they haven't yet been paid out of your account.

Huntington Premier Savings Account**Account: 04381695693**

Statement Activity From: 02/17/11 to 03/18/11	Beginning Balance \$0.00 Credits (+) 0.00 Debits (-) 0.00 Total Fees (-) 0.00 Ending Balance \$0.00 Average Balance 0.00 Low Balance 0.00
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Easy Steps for Balancing Your Personal Checking Account

Checkbook Register Balance	(1)
Adjusted Checkbook Balance (Credits)	(2)
Adjusted Checkbook Balance (Debits)	(3)
Statement Ending Balance	(4)
Total of Unlisted Deposits	(5)
TOTAL	(6)
Total of Outstanding Checks/Withdrawals	(7)
TOTAL	(8)
Checking Reserve Balance	(9)
Adjusted Account Balance	(10)

(5) Unlisted Deposits		(7) Outstanding Checks/Withdrawals	
Date	Amount	Check #	Amount
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
Total	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
Total	\$		\$

Write total on Line 5.

Write total on Line 7.

- Enter your checkbook register balance.
- In order to balance your checkbook register to your bank statement, first add any credits (+) such as deposits or interest which are NOT already recorded in your checkbook register. Do not include Checking Reserve transfers. Write your new checkbook register balance on Line 2.
- Now subtract any debits (-) such as checks, Check Card transactions, ATM withdrawals and your monthly checking fee or other fees which are NOT already recorded in your checkbook register. Do not include checking reserve payments.
If you have Checking Reserve, subtract the "Interest Charges" and "Fees", if applicable, located in the *Checking Reserve Summary* section on the *Checking Reserve Statement* page. If there has been no Checking Reserve activity or balance, you will not have a *Checking Reserve Statement* page. Write your new checkbook register balance on Line 3.
- Enter the *Ending Balance* from the *Checking Account Summary* section of your bank statement on Line 4.
- In the box provided, list any deposits that you have made that are NOT listed on your bank statement. Write the total on Line 5. *Include cash advances or transfers from another account. Do not include Checking Reserve transfers.*
- Add Line 4 and Line 5. Enter the total amount on Line 6.
- In the box provided, list and total all checks and withdrawals including Check Card transactions, ATM withdrawals, Bill Pay payments, automatic payments, and transfers from this account that are NOT listed on your bank statement. Write the total amount on Line 7.
- Subtract Line 7 from Line 6. Enter the amount on Line 8.
- Non-Checking Reserve** customers enter zero on Line 9. **Checking Reserve** customers enter the amount shown as the Ending Balance on the *Checking Reserve Statement* page. *If there has been no Checking Reserve activity, you will not have a Checking Reserve Statement page.*
- Subtract Line 9 from Line 8. Enter the amount on Line 10.
- Compare your **Adjusted Account Balance** (Line 10) to your **Adjusted Checkbook Register Balance** (Line 3). They should be the same. If they are not the same, review the process. Some common checkbook register errors include addition, subtraction, and transposition errors.

In the Event of Errors or Questions Concerning Electronic Fund Transfers (electronic deposits, withdrawals, transfers, payments, or purchases), please call either 1-614-480-BANK or call toll free 1-800-480-BANK, or write to The Huntington National Bank Research - EA4W61, P.O. Box 1558, Columbus, Ohio 43216 as soon as you can, if you think your statement or receipt is wrong or if you need more information about an electronic fund transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number (if any).
- Describe the error or the transaction you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

We will investigate your complaint or question and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it takes us to complete our investigation. This time period will be 20 business days (instead of 10 business days) if your complaint or question involves a transaction: (i) that was not initiated in any state, territory, or possession of the United States, or (ii) that was a point of sale transaction (other than the purchase of postage stamps from a Huntington ATM) or (iii) that was a Check Card merchant transaction.

Verification of Electronic Deposits If you have authorized someone to make regular electronic fund transfers of money to your account at least once every sixty days, you can call to find out whether or not the deposit has been received by us. call either 1-614-480-BANK or call toll free 1-800-480-BANK



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU

Chapter 7
Case No. 11-45451
Hon. Walter Shapero

Debtor.

/

**NOTICE OF TRUSTEE'S MOTION FOR TURNOVER OF
UNDISCLOSED AND NON-EXEMPT ASSETS AND DOCUMENTS**

Chapter 7 Trustee, Timothy J. Miller, has filed a Motion for Turnover.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, within fourteen (14) days from the date of service of the Motion, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 West Fort Street
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it within the above-referenced time period.

2. Mail a copy to:

Jeffrey H. Bigelman, Esq.
OSIPIOV BIGELMAN, P.C.
20700 Civic Center Dr. Suite 310
Southfield, Michigan 48076

3. If a response or answer is timely filed and served, the clerk will schedule a

¹Response or answer must comply with F.R.Civ.P.8(b)(c) and (e)

hearing on the Motion and you will be served with a notice of the date, time, and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman

JEFFREY H. BIGELMAN (P61755)

Attorneys for Trustee

20700 Civic Center Drive, Suite 310

Southfield, MI 48076

Tel: (248) 663-1800 / Fax: (248) 663-1801

UNITED STATES BANKRUPTCY COURT
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IN THE MATTER OF:

AARON SCHOSSAU
SANDRA SCHOSSAU
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Chapter 7
Case No. 11-45451
Hon. Walter Shapero

CERTIFICATE OF SERVICE

I, Jeffrey H. Bigelman, hereby certify that on September 21, 2011, I electronically filed (1) Trustee's Motion for Turnover of Undisclosed and Non-Exempt Assets and Documents; (2) Proposed Order; (3) 14-day Notice; and (4) Certificate of Service with the Clerk of the Court using the ECF system:

Office of the U.S. Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Kurt Haskell, Esq.
Attorney for Debtors

Respectfully Submitted,

OSIPOV BIGELMAN, P.C.

Date: September 21, 2011

/s/ Jeffrey H. Bigelman
JEFFREY H. BIGELMAN (P61755)
Attorneys for Trustee
20700 Civic Center Drive, Suite 310
Southfield, MI 48076
Tel: (248) 663-1800 / Fax: (248) 663-1801
E-mail: jhb_ecf@osbig.com